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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,718	01/23/2004	Bryan Nathan Wilmoth	M005Z/281291	7327

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EXAMINER

KIM, SANG K

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,718

Applicant(s)

WILMOTH ET AL.

Examiner

SANG KIM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE 4/14/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-20 is/are allowed.
- 6) ☒ Claim(s) 1-3,5,8,10-12 and 21 is/are rejected.
- 7) ☒ Claim(s) 4,6,7 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/10/06 has been entered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the first pair of directional clutches engage and rotate the drive shaft when the hand crank is rotated in a predetermined direction and do not engage the drive shaft when the hand crank is not rotated" as recited in claim 4, and "the second pair of directional clutches engage and rotate the drive shaft when the driven pulley is rotated in a predetermined direction and do not engage the drive shaft when the driven pulley is not rotated, as recited in claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Note, figures 4-7 fail to show the first and second pair clutches engaging and disengaging with respect to the hand crank and the drive shaft.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

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prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

A substitute specification including the claims 4 and 7 is required pursuant to 37 CFR 1.125(a) because the specification fails to explain in detail how the first and second pair clutches engaging and disengaging with respect to the hand crank and the drive shaft. Figures 4-7 show a key and clutches, but fail to show and explain how each element is connected to operate engaging and disengaging features.

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter

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must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez, U.S. Patent No. 4659029, in view of Lai, U.S. Patent No. 618917 B1.

Regarding claims 1, 3 and 5, Rodriguez '029 teaches a system for cutting a traveling web from a first spool and onto a second spool by feeding a turn-up tape (24) along a transfer track (28) beneath the paper web (20) and to a position adjacent to the nip (52); and a drive assembly (43, i.e., a hand crank) capable of driving the turn-up tape along the transfer track toward the nip, wherein the drive is capable of being powered by manual power or motor power, see figure 1, and on column 8, lines 59-61.

Rodriguez '029 does not explicitly state that the drive is capable of being powered by both manual power and motor power with a clutch mechanism.

Lai discloses a clutch 25 provided to change the electrically driving operation 21 into a manually driving operation 30, see figures 4A and 5A, and column 2, lines 17-59.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Rodriguez to make the drive capable of being powered by both manual power and motor power which can be switched with a clutch mechanism as taught by Lai '917, in case one of the drive systems fails.

Regarding claim 2, as advanced above, Rodriguez '029 teaches the drive assembly with a drive shaft (108) coupled to a drive wheel (41), the drive assembly with an engaging wheel (55) engaging the turn-up tape between the drive wheel (41), see figure 2.

Claims 8, 10-12, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez, U.S. Patent No. 4659029, in view of Lai, U.S. Patent No. 618917 B1 as applied to claim 1 above, and further in view of Rodriguez, U.S. Patent No. 6305634 B1.

Regarding claims 8 and 10, Rodriguez '029 in view of Lai '917 teaches a system for cutting a traveling web from a first spool and onto a second spool by feeding a turn-up tape (24) along a transfer track (28) beneath the paper web (20) and to a position adjacent to the nip (52), wherein the transfer track has an U-shaped groove without a flexible seal; and a drive assembly (43, i.e., a hand crank) capable of driving the turn-up

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tape along the transfer track toward the nip, wherein the drive is capable of being powered by manual power or motor power, see figure 1, and on column 8, lines 59-61.

Rodriguez '634 teaches a transfer track with a V-shaped groove (20) with first and second side walls (no reference number) and a flexible seal (18) for transporting the turn-up tape (21), see figure 1.

Rodriguez '029 discloses the claimed invention except for a V-shaped groove for the transfer track along with a flexible seal. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the track with a V-shape groove and a flexible seal to prevent any debris from entering as taught in Rodriguez '634 in latter part of the invention.

Regarding claims 11-12, as advanced above, Rodriguez '634 shows an air supply system which controls the air pressure, see figure 5.

Rodriguez '029 and '634 disclose the claimed invention except for an automation mode with a computer for the system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus by adding a computer into an automation process since computers are well known and used throughout the industry.¹

Regarding claim 21, the method described in these claims would inherently result from the use of invention of Rodriguez '029 in view of Lai '917 and Rodriguez '634 as advanced above. Rodriguez '634 shows an air supply system which controls the air pressure, see figure 5.

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Rodriguez '029 teaches a drive (43) which is manually powered, but it can also be an electric motor, see column 8, lines 59-61.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus by adding a computer into an automation process since computers are well known and used throughout the industry and use both drive systems in the apparatus in case one of the drive systems fails.

Allowable Subject Matter

Claims 1, 4, 6, and 21 have been amended.

Claims 13-20 are allowed as indicated from the Previous Office Action.

Claims 4, 6-7, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-12 and 21 have been considered but are moot in view of the new ground(s) of rejection.

The added recitation that the apparatus comprise at least one directional clutch necessitated the new grounds of rejection as set forth above.

Conclusion

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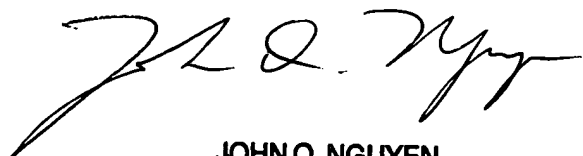
Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

5/22/06

A handwritten signature in black ink, appearing to read 'John Q. Nguyen', is written over a horizontal line.

JOHN Q. NGUYEN
PRIMARY EXAMINER